

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT STOUD)	CIVIL ACTION - LAW
324 Maple Street)	
Montrose, PA 18801)	
)	JURY TRIAL DEMANDED
Plaintiff)	
)	
-vs-)	
)	
SUSQUEHANNA COUNTY)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
COMMISSIONER ELIZABETH)	
ARNOLD)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
COMMISSIONER MARYANN)	
WARREN)	
P.O. Box 218)	
31 Lake Avenue)	
Montrose, PA 18801)	
)	
Defendants	x	

DEPOSITION TESTIMONY OF

ELIZABETH MCCAHILL ARNOLD

THURSDAY, AUGUST 16, 2018

321 SPRUCE STREET
SCRANTON, PENNSYLVANIA

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STIPULATIONS

It was agreed by and between counsel that all objections, except as to the form of the question, will be reserved until the time of trial.

It was further agreed that the reading, signing, sealing and filing of the deposition transcript will be waived.

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FOR PLAINTIFF <u>EXHIBIT</u>	<u>DESCRIPTION</u>	MARKED
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ELIZABETH MCCAHILL ARNOLD was called, and having been duly sworn, was examined and testified as follows:

EXAMINATION

6 BY MR. KARAM:

7 Q. Would you please state your name for
8 the record.

9 A. Elizabeth McCahill Arnold.

10 Q. And do you mind if I call you
11 Commissioner for today?

12 A. That's fine.

13 Q. Commissioner, my name is Gerry Karam
14 and I represent Robert S. Stoud better known as Steve
15 Stoud, who I will refer to today as Steve in this
16 deposition and Maggie McNamara who I will refer to as
17 Maggie in a claim that they have against Susquehanna
18 County. Can you please tell me how you're currently
19 employed?

20 A. I'm a Susquehanna County commissioner.

21 Q. I'm going to be asking you a whole
22 bunch of questions. We have a stenographer here.
23 This is going to be more of a conversation than an
24 interrogation. And the stenographer is going to be
25 taking down everything that we say.

1 If you don't hear what I'm saying,
2 please let me know. If you don't understand a
3 question, please let me know. Otherwise I'm going to
4 assume that you have heard the question and
5 understood the question. The stenographer can only
6 take down verbal responses, can't take down a nod of
7 the head or hand gestures. So I would ask that all
8 your responses be verbal in nature.

9 And as I said this is more of a
10 conversation, and when we have conversations a lot of
11 times we talk over each other. But in this case I
12 would just ask you let me finish my question and then
13 you'll have all the ability to answer it as fully as
14 you need to. Okay?

15 A. Okay.

16 Q. You said you're currently employed as a
17 county commissioner. How long has that been?

18 A. A little over two-and-a-half years.

19 Q. Okay. And how old are you, I
20 apologize?

21 A. Fifty-five.

22 Q. Fifty-five. Okay. Are you married,
23 single?

24 A. I am single.

25 Q. Single. Children?

1 A. Yes.

2 Q. How many kids?

3 A. Two.

4 Q. Adult --

5 A. Yes.

6 Q. -- children? What's your educational
7 background?

8 A. I went to trade school. I'm a barber
9 and I'm a licensed real estate agent, not licensed at
10 the time because I let my licenses go. I was
11 licensed in Pennsylvania and New York. And I have
12 some education, some college education and high
13 school.

14 Q. And how about your work history?

15 A. I've been a barber since I was 19 years
16 old, currently not working that, and real estate.
17 And I worked in the oil and gas industry for
18 approximately six years as a landsman.

19 Q. As a landsman. For what company?

20 A. We represented Cabot Oil and Gas, but I
21 worked for -- I was a self-employed contractor
22 basically working for TS Calkins and Associates out
23 of Bradford, Pennsylvania. I worked for them for
24 about three years. Prior to that I did seismic
25 exploration and I was a permit agent.

1 Q. Okay. And where were your -- the
2 various locations where you worked as a barber?

3 A. Lemon, Pennsylvania.

4 Q. Lemon Township?

5 A. Yeah.

6 Q. Wyoming County?

7 A. Yes.

8 Q. Lake Carey?

9 A. Yes. I was there when the tornado
10 happened.

11 Q. Wow.

12 A. Yeah. It didn't affect me at all. It
13 affected a lot of my customers.

14 Q. You were there for a while I guess?

15 A. Yes.

16 Q. Okay.

17 A. I had bought a building there. I was
18 there for about seven years.

19 Q. So you're a commissioner approximately
20 two-and-a-half years you said?

21 A. Yes, I came in in 2016.

22 Q. And I'm going to just repeat what
23 Commissioner Hall and Commissioner Warren have
24 indicated just to confirm with you. You're of the
25 republican party, but you ran individually, not as a

1 team for commissioner; is that accurate?

2 A. I'm of the republican party. I was not
3 part of the party at the time I ran if that's what
4 you mean.

5 Q. Okay. But what I'm getting at is you
6 didn't run as part of a team --

7 A. No.

8 Q. -- running for commissioner?

9 A. No.

10 Q. You ran individually?

11 A. Yes. Yes, sir.

12 Q. And is it accurate to say that the
13 three of you, Commissioner Hall, Commissioner Warren
14 and yourself, govern on an individual basis, not a
15 party basis? In other words, you don't vote as a
16 team? Don't answer until he comes back.

17 Do you need that repeated or do you
18 remember that question?

19 A. Please repeat it.

20 Q. You don't vote as a team, you vote as
21 how you individually feel is best for the community?

22 A. That's correct.

23 Q. Do you know Steve Stoud?

24 A. Yes.

25 Q. How do you know Steve?

1 A. Because he worked at the courthouse
2 when I started there.

3 Q. Did you know him before you started?

4 A. I met him several times in 2015 during
5 the campaigning. When I would come into the
6 courthouse to do stuff at the voter registration
7 office I met him.

8 Q. And how was your relationship with him
9 at that stage?

10 A. Cordial, basically that of strangers.
11 We didn't really know each other. I was like who is
12 he, he's the acting chief clerk, okay.

13 Q. And did you know Maggie McNamara?

14 A. I did not until 2015. Again I met her
15 like when I came in to get paperwork while I was
16 campaigning.

17 Q. Did you know Rich Ely?

18 A. No.

19 Q. Did there come a point in time after
20 you became commissioner when you became aware of a
21 complaint Maggie McNamara made against Rich Ely?

22 A. I was not aware of that until several
23 months after I was there.

24 Q. Okay. About when?

25 A. I can't give you a date. I'm going to

1 say three months maybe, I don't know for sure.

2 Q. And do you know Rich Ely?

3 A. Well, I do now, but I didn't at the
4 time. I didn't know any of these folks really until
5 I started there.

6 Q. So tell me what you knew about the
7 complaint that McNamara made against Ely.

8 A. It was Christmastime and there was
9 people giving hugs to each other and merry Christmas
10 to each other. And I guess he attempted to hug her
11 or they said there was something to do with the car
12 and the window and he knocked on the window.

13 Q. And was he disciplined to your
14 knowledge?

15 A. I believe Mr. Stoud wrote him a letter.

16 Q. Were you told that Maggie McNamara
17 complained that was it was an unwanted advance by
18 Rich Ely?

19 A. I believe Mr. Stoud told me that when I
20 heard the story.

21 Q. Okay. Are you aware if there's a chain
22 of command policy in Susquehanna County?

23 A. I was told that there was, yes.

24 Q. Who told you that there was?

25 A. Probably Steve Stoud or Alan Hall or

1 both.

2 Q. Okay. And what was your understanding
3 of what the chain of command policy in Susquehanna
4 County was?

5 A. That the commissioners are at the top,
6 the chief clerk is under the commissioners and the
7 rest of the employees basically fall under the chief
8 clerk unless they are under another elected official.

9 Q. And were you told that the chain of
10 command policy goes both up and down?

11 A. I guess so.

12 Q. You were told that?

13 A. Okay.

14 Q. No, I'm not --

15 A. I guess I was.

16 Q. No --

17 A. Up and down.

18 Q. When I say down, meaning if you have an
19 issue with an employee in IT, that you the
20 commissioners would work it first through the chief
21 clerk and then it would work its way down through the
22 supervisory chain.

23 A. I don't recall that exact conversation,
24 no, but it could have happened. I do know that it's
25 the commissioners and the chief clerk was under the

1 commissioners, that chain of command.

2 Q. Do you recall ever voting on a chain of
3 command policy as a commissioner?

4 A. I don't. I'm thinking that may have
5 been in place before I got there.

6 Q. Okay. Was there ever a point in time
7 where a commissioner, a fellow commissioner or an
8 attorney told you that you weren't following the
9 chain of command properly?

10 A. Yes.

11 Q. Tell me about that.

12 A. I can't recall the exact conversation,
13 but I was told that I was not following the chain of
14 command.

15 Q. And who told you and when?

16 A. I'm going to say probably Alan Hall,
17 Commissioner Hall.

18 Q. Did anybody else say it to you?

19 A. I don't recall.

20 Q. Were there any points of time when you
21 would go and speak with subordinates of supervisors
22 without the supervisors' knowledge?

23 A. Probably I did, yes.

24 Q. Can you tell me --

25 A. Because I talk to people. I ran my

1 campaign that way that I was a person that was
2 approachable, so people approached me.

3 Q. Well, I'm not talking about people
4 approaching you. I'm talking about you approaching
5 people.

6 A. Yes.

7 Q. Did you approach subordinates?

8 A. Yes.

9 Q. And following your approaching those
10 subordinates, were you ever told that that's not
11 proper?

12 A. Yes.

13 Q. In terms of the chain of command?

14 A. Yes.

15 Q. Okay. Tell me what subordinates it was
16 and who told you it wasn't appropriate?

17 A. I talked to Tara Kennedy.

18 Q. And who is Tara Kennedy?

19 A. She is the assistant to the director of
20 Veterans Affairs.

21 Q. Okay. And what were you talking to her
22 about?

23 A. There was a seminar that she and
24 Mr. Ely wanted to go to, attend to. And she needed
25 that training so that she could get certified to do

1 her job, that was my understanding. And I asked her
2 if she was comfortable going down to that and she
3 told me she was. There was conversation about them
4 not being allowed to go.

5 Q. Was this after the complaint made by
6 Maggie McNamara?

7 A. I don't know that it was after the
8 complaint, but it was after the incident.

9 Q. After the incident. Okay.

10 A. Yes. So I think people were uneasy
11 about that.

12 Q. Anybody else?

13 A. That I just had like everyday
14 conversation with?

15 Q. That you approached to talk about
16 county business.

17 A. No. There's an incident that what you
18 may be thinking of when Steve Stoud, I thought he was
19 actually gone to be the chief detective at that point
20 and I was in the county building. And I'm bringing
21 this up because I know it's in the complaint
22 somewhere, that I was questioning employees whether
23 they thought they needed a Public Safety director or
24 if they could just handle their own departments. And
25 I was accused -- okay. Alan Hall wrote me a letter,

1 that's what happened.

2 He wrote me a letter like reprimanding
3 me that I went over there and questioned the
4 employees as to whether or not we needed a Public
5 Safety director. And that is not true completely. I
6 did ask that question, but I did not go to the county
7 office building looking to ask anyone anything other
8 than the planning, the head of planning which is
9 Robert Templeton, and I had gone in his office to
10 talk to him.

11 And as I stepped out into the hallway,
12 several employees came up with like a smile on their
13 face and said hey, are we going to get a new boss.
14 This was after we had hired another gentleman who
15 applied for the job of Public Safety director, and we
16 hired him but Commissioner Hall asked him if he would
17 also like to take on the responsibility of being
18 chief clerk. So this man was hired.

19 Q. Who is that man?

20 A. Steven and it starts with K,
21 K-A-R-N-I-E-K maybe.

22 Q. And who were the employees that came up
23 to you and said hey, are we going to have a new boss?

24 A. Well, can I finish that conversation?

25 Q. Absolutely.

1 A. So that man was hired and he started on
2 a Monday, and on Tuesday he walked off the job. So
3 people were kind of joking like wow, that guy lasted,
4 you know.

5 Q. A day?

6 A. A day. You know so that's why. I was
7 away at conference when that happened in Harrisburg.
8 And so when I came back, I went to see Mr. Templeton
9 about something and that's when several came up to me
10 and, you know, they were joking like, gee, when are
11 we going to get a boss.

12 When I said to them do you think we
13 need that person, it was nothing directed at Mr.
14 Stoud, who I believe was not in that position at that
15 point anyway. He was already up with the District
16 Attorney working in that job. And I didn't say it as
17 a negative towards anyone.

18 What my question was was, you know,
19 that was like a \$60,000 a year job, do we need to
20 have that job, do we need to be spending that
21 taxpayer money on that; or could the head of EMA, the
22 head of 911 could they, you know, take care of
23 themselves, take care of the department.

24 Who were they, Carolyn Ainey was one
25 that asked and I think Michelle Graziano came walking

1 up the hall that day. And there was one other
2 person, but I can't remember who it was. It seemed
3 like there was three. It was like a lighthearted,
4 joking type of conversation.

5 Q. Did there come a point in time where
6 you started to question the work product of Maggie
7 McNamara?

8 A. Mostly the problem that I saw with
9 Maggie was the agenda, having mistakes on the meeting
10 agenda, just errors.

11 Q. Can you describe the mistakes and
12 errors?

13 A. Nothing huge, you know, a comma or a
14 word missing or, you know, maybe a couple words
15 missing. It was nothing huge.

16 Q. Nothing that you would fire a person
17 for?

18 A. No.

19 Q. What else troubled you about Maggie's
20 work product?

21 A. I don't have a lot of things with
22 Maggie. A couple times I tried to get ahold of her
23 by phone because in the Commissioners' Office, your
24 chief clerk and deputy chief clerk and your HR
25 director and your assistant to HR, they are all down

1 in front of the courthouse, and the three
2 commissioners' offices are in the back of the
3 building. And we had construction as soon as I
4 started the job, fairly soon afterwards we started a
5 very large construction project where the hallway
6 closed down and you actually had to go outside. All
7 winter we had to deal with that, going outside and
8 around the building to get to the Commissioners'
9 Office to get to our staff.

10 And I know there was a couple of times
11 when I would call down to Maggie to ask her a
12 question and she was not at her desk or she didn't
13 answer her phone anyway. So the second time I went
14 down, or it might have been twice, because I know I
15 was annoyed, I went down and she was in Mr. Stoud's
16 office and they were sitting talking.

17 Q. Did you ask what they were talking
18 about?

19 A. No, I did not interrupt them. That
20 particular day Michelle Graziano was in there as
21 well. It was the afternoon, like probably 2:00.

22 Q. Nothing inappropriate about the deputy
23 chief of staff being in the chief -- or the deputy
24 chief clerk being in the chief clerk's office having
25 a discussion, is there?

1 A. No.

2 Q. So she made some minor errors with the
3 agenda, a couple times you couldn't get ahold of her.
4 Anything else about Maggie McNamara that her work
5 product had bothered you?

6 A. Not that I can think of.

7 Q. Did there come a point in time when you
8 became aware that both Steve Stoud and Maggie
9 McNamara felt that they were working in a hostile
10 work environment and that they were being retaliated
11 against?

12 A. When they filed their claims.

13 Q. Did you know beforehand though? I mean
14 isn't it true that they mentioned it maybe not to
15 you, but certainly mentioned it to Commissioner Hall
16 and Commissioner Warren that they felt that they were
17 being retaliated against and it was a hostile work
18 environment? Did that get communicated to you at
19 all?

20 A. I know Mr. Stoud, yeah, Mr. Stoud I
21 know was upset because I know a couple times he said
22 I can go back across the street.

23 Q. What does that mean?

24 A. Back to his job as the Public Safety
25 director. Apparently they had talked about that, the

20

1 previous commissioners, the previous board. So yes,
2 I knew that they were -- I don't know about the
3 retaliation part. I didn't know that was tied to
4 that, but I did know that they were upset.

5 Q. Okay. Did you ever indicate to anybody
6 that you weren't happy that Stoud and McNamara were
7 saying that they worked in a hostile work
8 environment?

9 A. Not that I recall.

10 Q. Do you recall a meeting in the
11 beginning of June of 2016, okay, so June 2016 where
12 all three commissioners were present and Steve Stoud
13 was present as well and that you brought up the fact
14 at that meeting that Steve Stoud complained that he
15 was working in a hostile work environment?

16 A. I remember that meeting very well. I
17 don't remember him saying that. What I remember in
18 that meeting --

19 Q. No, no. Not him saying that, you
20 saying it.

21 A. That I said that he said he was working
22 in a hostile work environment?

23 Q. And that then you accused him of
24 causing a hostile work environment?

25 A. I probably did. I don't remember that

1 part of that meeting. I remember another part that's
2 more vivid in my mind.

3 Q. Okay. But do you recall accusing Steve
4 of causing a hostile work environment?

5 A. I don't.

6 Q. You don't?

7 A. I don't, but I may have. I'm not going
8 to say I didn't say it, but I don't recall it.

9 Q. And when you say you may have, is that
10 because that's what you believe?

11 A. Yes.

12 Q. Why do you believe Steve would cause,
13 causes a hostile work environment?

14 A. Because I feel that he intimidated
15 people.

16 Q. And how would he intimidate people?

17 A. Some of it just his demeanor.

18 Q. Did you ever receive any complaints
19 that he, from employees, that he intimidated them?

20 A. Yes.

21 Q. Who?

22 A. Different women that had had incidents.

23 Q. Can you tell me who?

24 A. One would be Sharon Depew.

25 Q. What did Sharon Depew complain about?

1 A. Sharon takes care of payroll and
2 checks, writes the checks out. She handles the
3 money. And her office was in the back of the
4 building at that point in time at end of the
5 treasurer's office. And she was in a smallish office
6 with one door going in and out.

7 And she told me of an incident where
8 something in Maggie's work that Maggie had sent up
9 was not correct and Sharon sent it back down to the
10 front office to be corrected. And Mr. Stoud came up
11 to her office and put both his hands in the doorway
12 like this. This is the only doorway to get in or
13 out.

14 This woman is sitting at her desk. And
15 he had his hands in the doorway like this and said
16 why did you send that work back down, we're supposed
17 to be a team, why did you just not correct it. And
18 Sharon who's been there I think 20 years said that's
19 not my job to fix other people's work and they need
20 to learn to do their job.

21 Q. Okay.

22 A. That's one incident.

23 Q. I want to hear them all.

24 A. There was another incident that
25 happened I believe before I was there. Shari Whitney

1 told me that apparently Maggie McNamara had called
2 her on the telephone, their office was towards the
3 back of the building almost in the front and called
4 her for something, I don't recall what it was.

5 And before they -- when they hung up
6 the phone, Shari Whitney did not say goodbye.
7 Apparently that ended up being a problem and Mr.
8 Stoud ended up calling her into his office to speak
9 to her about that.

10 Q. Okay. Anything else?

11 A. I have some of them written down, but
12 they're not coming to me at the moment. There was
13 another employee that no longer works for the county.

14 Q. Name?

15 A. Laura Watts.

16 Q. Laura who?

17 A. Watts. She was the director of voter
18 reg for about eight years I believe. The building
19 was under construction down front at that time in
20 2015. There was a lot of dust flying in the air. It
21 was a big mess.

22 They had to move the election office to
23 the back of the building into the room where Alan
24 Hall's office is now, a much, much smaller space.
25 And it was a very big election. There were eight

24

1 people running for commissioner. There were people
2 running for treasurer, people running for auditor.
3 So it was a fairly big election, so they were busy.

4 And she called down and asked if Maggie
5 could bring her up staples for the copy machine
6 because they had to get the street lists out, simple
7 request. Maggie and another gal did take the staples
8 up to her. Shortly thereafter Mr. Stoud showed up in
9 the doorway and said really, you couldn't come down
10 and get your own staples, really, or something to
11 that effect.

12 Q. Okay.

13 A. And Mrs. Watts said we're supposed to
14 be a team and she was very swamped and very
15 overwhelmed preparing for the election and all the
16 construction is going on. You know people are
17 tracing in and out of her office, so it was a
18 stressful time. She left that day and never came
19 back.

20 Q. She didn't come back because Steve
21 Stoud said she should have went and got her own
22 staples?

23 MR. HAILSTONE: Object to the
24 form. She doesn't know why.

25 MR. KARAM: Well, I'm asking her.

1 MR. HAILSTONE: Right. If she
2 knows.

3 THE WITNESS: I think that was
4 probably the last straw that broke the
5 camel's back. I think there were
6 probably numerous other things.

7 BY MR. KARAM:

8 Q. Are you aware of any formal complaints
9 being made against Steve Stoud?

10 A. I'm not aware of any.

11 Q. Are you aware of him ever being
12 disciplined?

13 A. No.

14 Q. Are you aware of a complaint ever
15 formally being made against him?

16 A. Maybe one.

17 Q. Tell me about it.

18 A. Maybe Kathy Ragard did.

19 Q. What did she say?

20 A. I'm not sure. I did not see that.

21 Q. Okay. Let's get back to this June
22 meeting. Are there any others, by the way, any other
23 matters?

24 A. Not that I can recall.

25 Q. Getting back to this June 7, 2016

1 meeting, it's my understanding at that meeting that
2 you indicated that you wanted Maggie McNamara
3 terminated?

4 A. I may have.

5 Q. Well, do you recall telling your fellow
6 commissioners you wanted Maggie McNamara terminated?

7 A. I do not recall that.

8 Q. If I tell you that right before you
9 were here Commissioner Warren was here and she
10 vividly recalls you saying you wanted Maggie McNamara
11 terminated, would you dispute what Commissioner
12 Warren is saying?

13 A. Possibly.

14 Q. Well, tell me how it's possible you
15 would dispute that.

16 A. I don't trust everything there.

17 Q. You don't trust Commissioner Warren?

18 A. Yes.

19 Q. Do you trust Commissioner Hall?

20 A. No.

21 Q. Do you trust Steve Stoud?

22 A. No.

23 Q. So if all three of those people are
24 saying at this meeting you indicated you wanted
25 Maggie McNamara terminated, are you saying they're

1 lying?

2 A. I'm saying I don't remember saying
3 that.

4 Q. Well, let me ask you this: On June 7,
5 2016 did you want Maggie McNamara terminated?

6 A. I don't recall.

7 Q. You're saying it's possible?

8 A. It is possible.

9 Q. Why would it be possible that you said
10 you wanted Maggie McNamara terminated?

11 A. Because of the tension, because of the
12 drama, because there always seems to be something
13 going on.

14 Q. What was going on?

15 A. There was always something going on.

16 Q. Tell me what. If there was always
17 something going on, give me an example of what was
18 going on. You just indicated the only problems you
19 had with Maggie McNamara is work product, was she --
20 she wasn't there when you called her a couple times
21 and that she made a couple of errors on the agenda
22 that weren't too big a deal and that's all you
23 indicated that was wrong with her work product.

24 Then at the June 7, 2016 meeting two
25 commissioners and the chief clerk are indicating that

1 you said you wanted her terminated. Why?

2 A. I don't remember.

3 Q. Well --

4 A. I honestly don't remember.

5 Q. -- then you said there was always
6 something going on. Can you give me an example of
7 what was going on?

8 A. There was always drama about the agenda
9 and about things not being correct.

10 Q. About these minor errors that you're
11 talking about?

12 A. Mm-mm.

13 Q. Okay. Anything else?

14 A. Not that I can recall, no.

15 Q. So when you say there was always drama,
16 that drama that you're talking about is limited to
17 the minor typographical and grammar errors in an
18 agenda; is that accurate?

19 A. Yes.

20 Q. Do you recall Commissioner Warren
21 agreeing with you that Maggie McNamara should be
22 terminated?

23 A. I'm sure Commissioner Warren did want
24 her terminated at one point. I'm sure we did discuss
25 that. I don't know the date of it.

1 Q. Okay. So you do recall discussing the
2 termination of Maggie McNamara with Commissioner
3 Warren?

4 A. I believe it was said, but I don't
5 believe it was said in that meeting. I believe we
6 may have said it with Jean Conklin.

7 Q. Okay. And I was going to get to that.

8 A. Okay.

9 Q. I was going to get to that because Jean
10 Conklin also indicates that you went to her and told
11 her that you wanted Maggie McNamara terminated. Do
12 you recall that?

13 A. I vaguely do. I think I was upset that
14 day and I don't remember what had happened. But I
15 would have to be upset to say that because I'm not a
16 person to go around thinking we should terminate
17 someone, you know. It has to be -- these are
18 people's livelihoods. This is their income to
19 support their family. So I don't take this stuff
20 lightly.

21 Q. And somebody shouldn't be terminated
22 for a typo or a --

23 A. No.

24 Q. -- grammatical error in an agenda,
25 right?

1 A. No. And I do believe --

2 Q. And they shouldn't be threatened with
3 termination for that stuff, correct?

4 MR. HAILSTONE: You didn't let her
5 finish her answer.

6 THE WITNESS: I believe that they
7 shouldn't be threatened with that, but I
8 believe that that conversation was
9 behind closed doors with the chief clerk
10 and the three commissioners, then she
11 shouldn't have known about that. That
12 should have been a private, confidential
13 conversation.

14 BY MR. KARAM:

15 Q. Okay.

16 A. I do believe that I had said to Mr.
17 Stoud on more than one occasion Steve, I'm not
18 worried about a couple minor things on the agenda.
19 That really would upset Commissioner Warren a lot.
20 She's very into grammar I guess. And it's not just
21 Maggie, she corrects everybody.

22 You put a letter in front of her for
23 her to proofread and she's going to mark it up,
24 that's her thing. You know and I'm sure I said to
25 Mr. Stoud more than once I'm not that concerned about

1 that, there's bigger things to worry about.

2 Q. So let's get back to you wanting to
3 terminate Maggie McNamara. You agree that you wanted
4 to terminate her, you're just unsure at what point in
5 time you communicated it to the other commissioners
6 and to Jean Conklin. Is that an accurate statement?

7 A. I think it is. But I say I think
8 because I can remember a time when the opening became
9 open up with the District Attorney, and I thought to
10 myself in my head Maggie should apply for that, like
11 why doesn't she just move to another department where
12 she's not scrutinized so much, you know.

13 Q. Do you agree that there was a high
14 level of scrutiny on Maggie's work product?

15 A. I do. But I don't know in my opinion
16 that it had anything to do with the Richard Ely
17 thing. I don't see where those two.

18 Q. Well, do you agree that this high level
19 of scrutiny occurred after her complaint about
20 Richard Ely?

21 A. I never would have put that together
22 until I read about that. Like I never would have
23 thought that.

24 Q. Who else did you indicate to that you
25 wanted Maggie McNamara terminated, other than the two

1 commissioners and Jean Conklin?

2 A. I don't recall anyone.

3 Q. Anyone else?

4 A. I don't recall anyone, unless I said
5 something to my solicitor Michael Giangrieco.

6 Q. What were your reasons for wanting to
7 terminate Maggie?

8 A. I don't know.

9 Q. You don't know?

10 A. Well, what I'm telling you, I'm trying
11 to tell you just that there was drama, there was
12 tension in the Commissioners' Office all the time.

13 Q. But you can't tell me what the drama
14 was other than the agenda, the typos in the agenda.
15 Before you came here today, did you talk about your
16 testimony here with anybody?

17 A. I tried to read through my notes last
18 night.

19 Q. So you've taken notes of everything?

20 A. No, not everything. But I do have, I
21 have jotted a few things down. I tried to read
22 through stuff, the letters that were sent to me and
23 stuff like that. I thought Robin Reed wrote a very
24 good letter. I thought it was quite accurate in her
25 details.

1 Q. What else did you read through? What
2 other documents did you look at in preparation for
3 today?

4 A. I read Robin Reed's letters. I read a
5 letter that Alan Hall sent to me. I read the letters
6 that Steve Stoud had written and Maggie's deposition.

7 Q. And none of those -- who gave you
8 Maggie's deposition?

9 A. My attorney Jamie Hailstone.

10 Q. Did you see anything in Maggie's
11 deposition? Did you read through it?

12 A. Yes.

13 Q. Was there anything in Maggie's
14 deposition that you felt was inaccurate?

15 A. I'm trying to go through it in my head.
16 I know I made some notes. I don't know if I would
17 say inaccurate. I did not know that Commissioner
18 Hall was telling her things that I thought were
19 spoken in confidentiality.

20 Q. Okay. So you may have a problem with
21 Commissioner Hall speaking to Maggie McNamara. But
22 in terms of the accuracy of what Maggie stated, did
23 you see anything that was inaccurate or false in her
24 deposition?

25 A. Not that I can recall.

1 Q. Okay. At this early June 2016 meeting,
2 and I'll submit to you that it was June 7, 2016, do
3 you recall Steve Stoud responding to the request to
4 terminate Maggie McNamara with outrage; basically
5 saying look, she's a good employee, she does good
6 work, she shouldn't be terminated? Do you recall
7 Steve doing, and I'm paraphrasing, do you recall a
8 response like that?

9 A. I believe he did. I know he did not
10 want to. I know he defended her. So yes, he
11 probably did say she was a good employee. I've heard
12 him say that before.

13 Q. And by the way, Maggie was never
14 written up, right?

15 A. I never wrote her up. I don't know if
16 anyone else did.

17 Q. She was never disciplined for anything,
18 was she?

19 A. Not that I'm aware of.

20 Q. And her immediate supervisor gave her
21 very good reviews?

22 A. He did.

23 Q. Do you recall it coming up at that
24 meeting that you believed Maggie McNamara and Steve
25 Stoud were having an affair?

1 A. I'm not sure how it was brought up, but
2 I know that that was discussed. What I remember of
3 the meeting that day, what stands out the most in my
4 mind was that Steve Stoud stated that everything was
5 going along smoothly for the last two years with no
6 bumps in the road up until the last six months. What
7 has changed he said in the last six months, and he
8 was facing Commissioner Warren, and he swung his head
9 around and looked at me across the table like that.
10 That's the highlight of that meeting for me.

11 Q. So he was blaming you for whatever
12 problems were existing?

13 A. I was the change. I was what was
14 different.

15 Q. Okay. Let's get back to Steve Stoud
16 and Maggie McNamara having an affair. I will submit
17 to you that -- well strike that. If Commissioner
18 Warren and Commissioner Hall and Steve Stoud have
19 indicated that you brought up them having an affair
20 in this meeting, would you dispute that?

21 A. Well, I can't recall it, so I can't
22 agree to it.

23 Q. Well, let me ask this: Let's speak in
24 a very general sense. Do you ever recall having a
25 conversation with anybody about Steve Stoud and

1 Maggie McNamara having an affair?

2 A. I know I talked to Michael Giangrieco.

3 Q. So you told him you felt they were
4 having an --

5 A. I didn't use the word affair. I don't
6 know when the word affair came into play. I said
7 something is not right here because I heard of these
8 incidents where he had gone and yelled at people. He
9 also yelled at Commissioner Warren after a
10 commissioners' meeting one day. He went up to her
11 office and yelled at her and she came and immediately
12 told me right after it happened.

13 And so I said to Mr. Giangrieco my
14 solicitor in his office, I said what is going on. I
15 said a man doesn't go around yelling at people
16 defending one of his employees. He said it's normal
17 for a supervisor to defend an employee. I'm like to
18 that extent, I said something is not right here. And
19 I did say that to Jean Conklin. I did say at the
20 time when I went in that day and she was in his
21 office, I said is she in there every day, I said,
22 what is going on here.

23 Q. If Jean Conklin indicates that you said
24 they were having an affair, would that be, you know,
25 would you dispute that?

1 A. I dispute the word affair, the word
2 itself.

3 Q. Was there --

4 A. Did I say what is going on here --

5 Q. How about that they're in an
6 inappropriate relationship?

7 A. And I didn't say that. I said Jean,
8 what's going on here, why is she in there every day
9 and Jean said that's what we are all wondering. I
10 said is it necessary for her to be in there that
11 amount of time every day because it seemed like it
12 was in the afternoons a lot. And Jean said I guess
13 they are working on stuff.

14 Q. Did you insinuate that they were having
15 an affair?

16 A. I may have said, yeah, I may have been
17 wondering. Everyone in the building was.

18 Q. And who else did you talk to about it?

19 A. People talk about it all the time.

20 Q. That's what I'm asking. Who else did
21 you talk to about Steve and Maggie having an affair?

22 MR. HAILSTONE: I object to the
23 phrasing. She never said and she was
24 very clear she never used the word
25 affair.

1 BY MR. KARAM:

2 Q. Affair, inappropriate relationship,
3 however you want to phrase it, who else did you talk
4 to about that?

5 A. I would say both commissioners, I would
6 say Michael Giangrieco, I would say Jean Conklin,
7 maybe I may have said something to Jane Krupinski,
8 I'm not sure. People talked about it.

9 Q. Let me ask you this: Did you ever ask
10 Steve Stoud about it?

11 A. No.

12 Q. You were his supervisor, right?

13 A. I was, yes.

14 Q. He was a direct report to you as a
15 commissioner, he directly reported to each one of the
16 three commissioners; correct?

17 A. Mm-mm.

18 Q. Yes?

19 A. Yes, yes.

20 Q. And you never asked him about it?

21 A. I don't recall that I did.

22 Q. But you went talking to a subordinate
23 of his Jean Conklin, you went and talked to her about
24 it; correct?

25 A. I made that remark to her, yes.

1 Q. And don't you think that that
2 undermines his authority as the chief clerk when
3 you're going to one of his subordinates and saying
4 hey, something is going on between he and Maggie
5 that's not right? Doesn't that undermine his
6 authority?

7 A. Yes, it probably does.

8 Q. Do you agree that the better approach
9 should have been to go directly to Steve Stoud and
10 say I'm concerned about rumors I'm hearing or I'm
11 concerned about the amount of time you're spending
12 with Maggie, why is it necessary that you spend so
13 much time with the deputy clerk?

14 A. That would have been a better approach,
15 you're right.

16 Q. And do you agree that there's nothing
17 unusual with hour-long meetings between the deputy
18 clerk and the chief clerk?

19 A. I don't see that happening. I don't
20 know what the normal protocol was.

21 Q. Okay.

22 A. This is my first time I had an
23 experience with a chief clerk and deputy chief clerk.

24 Q. Do you know the duties of the chief
25 clerk and the --

1 A. Yes.

2 Q. What are the duties of the chief clerk?

3 A. To get agendas ready, to read mail that
4 comes in, to look over contracts, to discuss things
5 with the commissioners.

6 Q. He's basically --

7 A. Daily operations.

8 Q. He's basically in charge of the daily
9 operations of the county?

10 A. Mm-mm.

11 Q. And what are the duties of the deputy
12 chief clerk?

13 A. To assist him.

14 Q. To assist him. So she will assist him
15 in his duties, correct?

16 A. Yes.

17 Q. And he will delegate some of his duties
18 to her?

19 A. Yes.

20 Q. So do you agree that it's natural for
21 them to have to meet to discuss these duties?

22 A. Yes.

23 Q. And the office that they're meeting in,
24 it's a glass office, right? Not a glass, you can see
25 into the office is what I'm saying.

1 A. There is a glass window in the door,
2 yes.

3 Q. So they're not meeting behind a closed
4 door that nobody can see in?

5 A. Correct.

6 Q. Do you recall telling Jean Conklin that
7 you were going to put a disciplinary letter in Steve
8 Stoud's file following the meeting that we just
9 talked about?

10 A. I probably said it to her, I did want
11 to do that. I did not do that.

12 Q. Why did you want to do that?

13 A. For the way that he looked at me and
14 spoke to me in that meeting, I thought it was
15 disrespectful.

16 Q. And you went and told one of his
17 subordinates this?

18 A. Well, she was the HR director, so I
19 thought that's where we're supposed to go with those
20 things.

21 Q. Okay. So now do you recall -- you said
22 you recall that meeting in question?

23 A. Mm-mm.

24 Q. Do you recall the next day there being
25 another meeting with just the commissioners where you

1 went over a list of complaints that you wanted Steve
2 Stoud to address with Maggie McNamara?

3 A. I thought we did that in the first
4 meeting.

5 Q. Okay.

6 A. I thought we did.

7 Q. Do you ever recall going to one of the
8 commissioners and indicating that we have to break up
9 Steve Stoud and Maggie McNamara?

10 A. If I did, it may have been Alan Hall.

11 Q. Do you recall saying that to Alan Hall?

12 A. Not those words, no. No, I really
13 don't. I don't really. I remember in that meeting
14 on the 7th I said that people, meaning the
15 constituents wanted the circle broke up.

16 Q. What circle?

17 A. The commissioners, the chief clerk,
18 Michael Giangrieco and the deputy chief clerk.

19 Q. Meaning they wanted them broke up as to
20 don't communicate with each other or fire them or
21 what do you remember?

22 A. I guess they were just insinuating that
23 they were a clique.

24 Q. And were you part of that clique?

25 A. No, I've never been part of the clique.

1 Q. Was MaryAnn Warren part of the clique?

2 A. She was a commissioner, yes.

3 Q. Alan Hall was part of the clique?

4 A. Yes.

5 Q. Michael Giangrieco was part of the
6 clique?

7 A. Yes.

8 Q. Steve Stoud?

9 A. Yes.

10 Q. Maggie McNamara?

11 A. Yes.

12 Q. Jean Conklin?

13 A. I don't remember. Jean started just
14 there a little bit before I did. Do you want me to
15 turn that off?

16 MR. HAILSTONE: Yes.

17 BY MR. KARAM:

18 Q. So do you recall -- well, you're saying
19 you don't recall going to Commissioner Hall saying
20 that you have to break up McNamara and Stoud? You
21 don't recall that? Verbal answer.

22 A. I'm thinking. I'm thinking. I don't
23 recall the exact conversation, but I may have said
24 that to him. A lot went on. I don't -- I didn't
25 document everything. I guess I should have.

1 Q. Okay. So what does may have said it
2 mean? Does that mean you might have said it because
3 that's the way you thought?

4 A. Yes.

5 Q. Okay. So you -- so whether you said it
6 to Alan Hall or not, you felt you had to break up
7 Steve Stoud and Maggie McNamara?

8 A. I probably thought that perhaps if they
9 weren't working in the same office for us that maybe
10 it would be calmer.

11 Q. Okay. So then can I say -- can I take
12 breaking up to mean you wanted to move one of them
13 out of that office?

14 A. I think that would be fair to say that.

15 Q. Okay. And by moving one, that would
16 have to be a change of duties and responsibilities in
17 another position; correct?

18 A. Correct.

19 Q. Do you ever recall when you -- do you
20 ever recall saying that you wanted to break them up
21 because you wanted to save their marriage?

22 A. I don't recall saying that.

23 Q. Do you recalling saying that you've
24 seen this happen before, we need to save their
25 marriage?

1 A. I do not recall saying that.

2 Q. Did you believe that?

3 A. Probably I believed that because I have
4 seen things like that before.

5 Q. And did you believe that about Maggie
6 McNamara and Steve Stoud?

7 A. I didn't know anything about their
8 marriages, so I don't. I just know I don't recall.

9 Q. Do you recall at one point speaking
10 with Steve Stoud about a constituent concern and him
11 saying that he would handle it and you saying no,
12 that you would handle it and that then you turn to
13 Steve and indicated everyone lies and I have to
14 apparently be careful about what I say to everyone or
15 I'll get sued?

16 A. I don't recall the conversation about a
17 constituent. I don't recall that conversation at
18 all. But I probably at some time did say that to Mr.
19 Stoud because it seems like everyone was always
20 worried about us being sued. I was hearing that all
21 the time, watch what you say, watch what you say,
22 we'll get sued, we'll get sued, we'll get sued.

23 Q. Okay. I'm going to bring your
24 attention to October 26, 2016 and what I'll submit to
25 you is that was the day that at about quarter to nine

1 in the morning you entered Steve Stoud's office and
2 Commissioner Warren was present when you entered. Do
3 you recall that?

4 A. I do.

5 Q. Tell me what happened that day.

6 A. That was the morning of a
7 commissioners' meeting as I remember. Commissioners'
8 meeting mornings are always kind of hectic, a little
9 stressful because you're maybe making last-minute
10 changes to the agenda and tweaking it maybe. And
11 there was a lot going on that day.

12 I had been put in as chairman of the
13 board in September. I was vice chair before that.
14 And in a public meeting the other two -- well,
15 Commissioner Hall stepped down as chairman of the
16 board during the public meeting and Commissioner
17 Warren had put me in as chairman and he second it,
18 Commissioner Hall second that decision.

19 I had no knowledge that they were going
20 to do that. There had been no discussion prior to
21 that, that he had any thoughts of stepping down, so
22 it was quite surprising to me. So that was around
23 the end of September. So now we are -- this is
24 probably our second or third meeting after that
25 happened.

1 Mr. Stoud had maybe scheduled me to go
2 sign for two Tree Hub vans at say 11:00 and he also
3 told me there was a construction meeting at 10:00.
4 And I was thinking there wasn't a construction
5 meeting because they were usually on Wednesdays
6 usually following the meeting, the commissioners'
7 meeting, but I thought we had just had one the week
8 before that I had been part of.

9 So I looked at Mr. Stoud and I'm
10 looking at the calendar, the white board on the wall
11 where he has the calendar and he would put down
12 appointments and meetings that we had. And I said
13 how am I going to be at the construction meeting if I
14 have to go sign for those vans, and he said well I
15 don't know, I thought you would not go to the
16 construction meeting. And I said well, I want to go
17 to all the meetings I'm supposed to be at.

18 So apparently I said it too sharp
19 because then he wrote me a letter about it and then
20 Commissioner Warren put in the letter that she heard
21 it and that I spoke too sharp or something. It was
22 just, you know, we were hurrying, it's right before
23 the meeting, stressful and it was going to be a busy
24 day. I didn't know how I was going to be in two
25 places at one time.

1 Q. Do you remember yelling?

2 A. No.

3 Q. Do you remember slamming the door?

4 A. No. I did not slam the door because
5 the door was between his office and the meeting room
6 and that door would be open. We would never close
7 that door until the meeting started and then that
8 door would be closed.

9 Q. Did Commissioner Warren indicate to you
10 that she felt your behavior was inappropriate?

11 A. She did not indicate that to me. She
12 did not talk to me about the incident. She wrote
13 that and apparently discussed that with Mr. Stoud
14 because he wrote that in his complaint against me
15 that she stated that.

16 Q. After you received the letter from
17 Steve Stoud about him feeling he was treated
18 inappropriately by you that day, do you recall
19 telling the other commissioners that you wanted
20 responsibilities removed from Steve Stoud?

21 A. I don't recall it. I may have. I was
22 very upset. I was very upset.

23 Q. Why? And so why may you have wanted to
24 remove responsibilities from him?

25 A. Because I thought he was disrespectful

1 to me. That letter was written that day. When I
2 left the building that day, I saw one of the
3 construction guys on the sidewalk and I said do we
4 have a construction meeting today and he said no, we
5 had it last Wednesday, remember. And I said okay
6 that's what I thought. So there was no construction
7 meeting.

8 I went on and signed for Tree Hub
9 buses. Later that afternoon I was in my office, and
10 that's when I came down to the front office to check
11 my mailbox to get my mail. And Mr. Stoud was sitting
12 at his desk and he was on the phone with someone, I
13 assume it was another commissioner, and Jean Conklin
14 was sitting in front of his desk. Apparently they
15 were discussing possibly a personnel issue.

16 I retrieved my mail from my mailbox and
17 Mr. Stoud said well Betsy is here right now, I'll ask
18 her. And I turned around and looked at him and he
19 addressed me with the personnel issue that was on the
20 table at the moment, I don't recall what it is, and
21 he said, you know, what do you think and I gave him
22 my answer.

23 And then I asked him on my way out
24 about the incident that had taken place in the
25 morning and I asked him if there's any construction

1 meeting and he said, no. So when I left the office
2 then, I guess I asked him for an apology. He said I
3 don't know what you want me to say.

4 Q. When you say I guess --

5 A. Because I left and I came back.

6 Q. But I don't want you to guess.

7 A. Okay.

8 Q. I want you to tell me what you know.

9 A. Okay. We had a bit of a conversation
10 there in front of Jean Conklin and I said there was
11 no construction meeting and I had left the office and
12 came back though and then addressed that.

13 And then he said I don't know what you
14 want from me, and I said I guess I'm looking for an
15 apology and he threw his pen down on the table and
16 slid his chair back and threw his hands in the air and
17 he said that'll never happen. He threw the pen down
18 and said that'll never happen and then I went out the
19 door.

20 And I went out the door, it wasn't like
21 I slammed the door. I went like that I guess, you
22 know, fine, and I went like that and so the door
23 closed loudly and then I got written up for that.

24 Q. If Jean Conklin described it as a slam,
25 would she be inaccurate?

1 A. I don't feel it was a slam. It
2 probably sounded like a slam. I didn't slam the door
3 forcefully. I whopped it with my hand like that.

4 Q. And if Jean Conklin described your
5 behavior as badgering and argumentive, would that be
6 an accurate description?

7 A. I do not feel it was badgering, no, and
8 disrespectful.

9 Q. Did there come a point in time then
10 when you limited your interaction with Steve Stoud?

11 A. I tried to, yes.

12 Q. Why did you try to?

13 A. Because it was like walking on
14 eggshells quite frankly. And also Attorney Robin
15 Reed, I don't have the dates on when she came into
16 the picture, but she kept advising us to only talk to
17 him about work, to limit our conversation with him,
18 you know, and to be very careful.

19 Q. So did you -- did there come points in
20 time where you stopped talking to him even about
21 work?

22 A. No, I don't believe I did. I would say
23 good morning, I was cordial, did what I had to do.

24 Q. Do you know Lisa Kowalewski?

25 A. I do.

1 Q. How do you know her?

2 A. She worked for the county.

3 Q. What did she do for the county?

4 A. She was the head of IT.

5 Q. Okay. And did you become aware of an
6 incident that was witnessed by Jean Conklin involving
7 Steve Stoud and Lisa Kowalewski?

8 A. Yes, I was made aware of the incident.

9 Q. Okay. And who made you aware of the
10 incident?

11 A. I missed it. It happened in the
12 morning before I got there, unfortunately I missed
13 it. I walked into the voter registration office and
14 the director of registration at the time was Diane
15 Quatrocchi and she said did you just hear what
16 happened and I said no, what, and she said there was
17 yelling in the hallway. And I said no, I missed it,
18 I just got here, who is yelling and then she told me.

19 Q. What did she tell you?

20 A. She said it was between Mr. Stoud and
21 Lisa.

22 Q. And did it come to your attention that
23 the incident was, you know, there were witnesses to
24 it?

25 A. Yeah.

1 Q. And it was concluded that Lisa
2 Kowalewski acted inappropriately?

3 A. That's what I was told.

4 Q. And that Jean Conklin witnessed, was
5 one of the witnesses; correct?

6 A. That's what I was told.

7 Q. And at that point in time did you
8 indicate to anybody in the registrar's or the
9 recorder's office or the IT department that look, we
10 can't blame Lisa, we girls have to stick together?

11 A. I made the remark one time that girls
12 have to stick together. I don't know about the we
13 can't blame Lisa part. But I know I did make that
14 remark before, us girls have to stick together, yeah.

15 Q. In other words, we need to blame this
16 on Steve Stoud?

17 A. No. Just that women need to stick
18 together and be supportive of women.

19 Q. But do you recall making this statement
20 in relationship -- in relation to this incident?

21 A. Yes.

22 Q. So in other words, the girls have to
23 stick together against the guys in this situation, is
24 that -- I don't want to put words in your mouth.

25 A. No.

1 Q. I can only take that to mean, you know,
2 one thing.

3 A. I guess my -- what I would mean by that
4 remark is that I would want to hear Lisa's side of
5 the story before I would make a decision as to what
6 happened, what the truth was.

7 Q. Okay. Did you trust your HR director?

8 A. No.

9 Q. You don't trust Jean Conklin?

10 A. No.

11 Q. So let me get this straight, in the
12 hierarchy of Susquehanna County government, there's
13 the three commissioners?

14 A. Yes.

15 Q. You're one of them?

16 A. Yes.

17 Q. You don't trust the other two?

18 A. No.

19 Q. There is the chief clerk at the time
20 Steve Stoud, you don't trust her -- or him?

21 A. Correct.

22 Q. There's the deputy chief clerk was
23 Maggie McNamara, you don't trust her?

24 A. Correct.

25 Q. Jean Conklin is the head of HR, you

1 don't trust her?

2 A. Correct.

3 Q. Why don't you trust Jean Conklin?

4 A. Because I think that, first of all, the
5 HR director's office is in our pod, so to say. So
6 anyone that comes in and out of there, everyone in
7 our area can see. I have suggested on two different
8 occasions at least that I feel her office should be
9 at the end of the hall somewhere where people
10 don't -- aren't exposed to, you know, so they have
11 some privacy. So that everyone in the Commissioners'
12 Office doesn't know who is going to see HR.

13 So I didn't agree and I still don't to
14 this day agree to where the location of her office
15 is. I feel that the other two commissioners have
16 spent a lot of time talking to Jean Conklin behind
17 closed doors and I feel that Mr. Stoud did as well.

18 I also know that during the spring, and
19 I'm going to say the spring of 2017 but I may have to
20 check that, that everyone in the front office got
21 raises, nice raises, and that was at the
22 recommendation of Mr. Stoud. And I thought that was
23 strange that we have I believe the beginnings of a
24 lawsuit on the table and now people are getting
25 raises in that office.

1 Q. Well, don't you typically -- did you
2 get cost of living raises every year?

3 A. They do, yes.

4 Q. But it's strange that they got raises?

5 A. One of them was I think like \$5,000. I
6 think it was a little over and above that.

7 Q. Do you recall Attorney Reed telling you
8 that you can't continue to ignore Steve Stoud because
9 he was a direct report to you?

10 MR. HAILSTONE: Objection to
11 attorney/client privilege. She can't
12 answer what Robin Reed told her.

13 MR. KARAM: She -- huh?

14 MR. HAILSTONE: She can't answer.

15 BY MR. KARAM:

16 Q. Did anybody ever tell you that -- did
17 anybody ever say to you that you need to deal with
18 Steve Stoud because he's a direct report to you?

19 A. Alan Hall.

20 Q. And that was when you weren't dealing
21 with him, correct?

22 A. I limited my exposure to him. I don't
23 believe I ever ignored him by any means.

24 (Whereupon a recess took place.)

25 (Whereupon Exhibit 1 was marked

1 for identification.)

2 MR. HAILSTONE: I'm going to
3 object to this document that is
4 protected by attorney/client privilege.

5 I have given it to Attorney Karam in
6 good faith with the understanding that
7 he would understand that. Also I will
8 allow questions today, but I do have an
9 objection that it is protected. Thank
10 you.

11 BY MR. KARAM:

12 Q. Okay. Commissioner, have you had the
13 chance to review Plaintiff's Exhibit Number 1?

14 A. Yes.

15 Q. Do you need more time?

16 A. I'm still going down, yes.

17 Q. Okay.

18 A. Okay.

19 Q. Okay. So my questions regarding
20 Plaintiff's Exhibit Number 1 are going to be not what
21 Mike Giangrieco is stating to you in this letter, but
22 it's also my understanding that Alan Hall has said
23 directly to you similar or exact things to you.

24 Having reviewed this letter, let's
25 start with paragraph number one. It's in the last

1 part of it, it's saying the conversation has been
2 described by others to have been unprofessional,
3 upsetting to not only Mr. Stoud but to other
4 employees who witnessed your interaction with Mr.
5 Stoud.

6 I'm assuming this is the October 26th
7 interaction. Is that what -- what's your assumption?

8 A. That was about the construction
9 meeting, correct, and signing for the vans, yes. I
10 would assume that that is it because this is dated
11 November 1, 2016, so it would have been, you know, a
12 week later I guess that he wrote this, yes.

13 Q. So did Alan Hall indicate to you that
14 there were other witnesses who witnessed your
15 interaction with Mr. Stoud that day?

16 A. I don't remember a conversation with
17 Alan Hall on that particular moment, on that
18 particular incident.

19 Q. Do you recall Alan Hall stating to you,
20 and I'll go to the second paragraph, that your
21 contact with Steve Stoud was unprofessional and
22 retaliatory?

23 A. Did you just ask me if Commissioner
24 Hall said that to me?

25 Q. Yeah.

1 A. I don't remember that conversation with
2 Mr. Hall.

3 Q. Well --

4 A. And I didn't feel that I was angry or
5 unprofessional.

6 Q. Well, did Mr. Hall have conversations
7 with you about his concerns about the way you were
8 treating Steve Stoud?

9 A. He had concerns about me talking to
10 people. He did tell me what this letter says, to not
11 talk to people so we wouldn't get sued.

12 Q. Well, are you reading this letter as
13 saying you shouldn't talk to Steve Stoud? Is that
14 what your take is on this letter?

15 A. Yeah. I mean it says one, two, three,
16 four paragraphs down it is being strongly suggested
17 that you cease and desist from any further
18 communication with Mr. Stoud that could be in any way
19 be deemed unprofessional, hostile or retaliatory.

20 Q. Right.

21 A. So yeah.

22 Q. So he's --

23 A. I mean those words jumped out at me,
24 cease and desist communicating with my chief clerk,
25 that's what's stuck in my head.

1 Q. But communication and then it's only
2 communication that's unprofessional, hostile and
3 retaliatory?

4 A. Yes.

5 Q. Do you take that, do you take that to
6 say cease all communication with Steve Stoud?

7 A. No. It said that it can be deemed, in
8 any way be deemed.

9 Q. Deemed unprofessional --

10 A. Right.

11 Q. -- hostile or retaliatory?

12 A. Right.

13 Q. So he's not telling you you can't ask
14 Steve Stoud what's on tonight's meeting agenda?

15 A. Correct.

16 Q. You can communicate with Steve Stoud,
17 just not in a hostile or retaliatory way?

18 A. But I didn't feel that I had
19 communicated that morning on the 26th with him in
20 that way. I did not feel that I was angry or
21 unprofessional.

22 Q. Okay.

23 A. So --

24 Q. But would you agree --

25 A. -- it makes a person on edge of what

1 they can say and what they can't say or they're going
2 to get a letter put in your mailbox, you're going to
3 get written up. I'm probably the only commissioner
4 in history that's had letters written. I probably
5 have a file.

6 Q. Okay. But you would agree though that
7 at least looking at this letter, hearing from
8 Commissioner Warren and, you know, talking to Jean
9 Conklin that witnesses disagree with how you're
10 assessing your own conduct. Okay?

11 A. The only one that was in the room was
12 Commissioner Warren. The door was open, so whether
13 Jean Conklin could hear through the wall and through
14 the door being open.

15 Q. Jean Conklin was there the second time
16 you came in?

17 A. Yes, the second time she was, yes.

18 Q. Okay. And both felt that your actions
19 were hostile and retaliatory.

20 A. Okay.

21 Q. Okay?

22 A. They're entitled to their --

23 Q. They are. I'm not -- and again, I'm
24 just bringing to your attention that a part of this
25 letter that was sent to you was based on witnesses to

1 what occurred. Okay. And I'm not even bringing in
2 how Steve Stoud felt. Okay?

3 A. Mm-mm.

4 Q. Do you have any personal animus against
5 Steve Stoud?

6 A. Can you rephrase that?

7 Q. Do you have any personal animus towards
8 Steve Stoud?

9 A. Not at this time I did not.

10 Q. Okay. Not on November 1, 2016?

11 A. Correct.

12 Q. Okay. Do you recall telling
13 Commissioner Warren that this whole situation was
14 blown out of proportion and that it wasn't really
15 that big of a deal?

16 A. When you say incident, you mean on
17 October 26th?

18 Q. October 26th.

19 A. I don't recall saying that to her, but
20 I may have.

21 Q. And that her responding no, that's not
22 true, I witnessed it, what's in Giangrieco's letter
23 is accurate?

24 A. I don't recall having that conversation
25 with her.

1 Q. Okay. Do you recall indicating to
2 Commissioner Hall that you were going to oppose a new
3 county detective position in the District Attorney's
4 Office because you felt that it was a position Steve
5 Stoud was going to get?

6 A. That I was going to oppose a position,
7 I don't recall that conversation. There was
8 conversation because that position of chief county
9 detective was occupied by Debra Strong for many, many
10 years. And then suddenly it was determined that she
11 was not in fact the chief county detective because it
12 never went through a meeting, like years ago it never
13 went through a salary board meeting or it never went
14 through a meeting.

15 Q. Steve Stoud had nothing to do with that
16 though, did he?

17 A. I have no idea.

18 Q. Do you recall saying to Commissioner
19 Hall that you thought that this position was just a
20 big conspiracy between everyone to put one of their
21 cronies in the position?

22 A. I don't recall that conversation. I
23 did not --

24 Q. Do you believe that?

25 A. I don't know about cronies.

1 Q. Well, maybe --

2 A. I don't know why it was -- I don't know
3 why after say 20 years and I don't know the exact
4 years. But Debbie Strong -- well, it was a good 20
5 probably because I think Debra Strong worked for the
6 county for almost 40 years, just shy of 40 years.

7 In December I believe, you'd have to
8 check, but I think it was going to be 40 years in
9 December and then she left us just months before that
10 December marker because, I don't know why because.
11 But I'm just saying I know that conversation was
12 going on and that all of a sudden she was not the
13 chief county detective, that it never went through
14 the meeting.

15 So she was going to have the title of
16 just county detective, and District Attorney Klein
17 was going to fill, you know, run an ad and interview
18 people to fill the chief county detective slot. So I
19 didn't know why that --

20 Q. Did you trust chief -- or did you trust
21 District Attorney Klein?

22 A. I did.

23 Q. Okay. And he was the one that was
24 going to select whoever gets this position?

25 A. Yes.

1 Q. But nonetheless you objected to the
2 position at least to Commissioner Hall?

3 A. I don't believe I objected to it.

4 Q. Okay. Did you indicate that you
5 thought that Steve Stoud was going to get the
6 position to him?

7 A. I may have in a confidential
8 conversation.

9 Q. And you didn't want that to happen?

10 A. I don't think I really cared whether
11 that happened. If he worked there, I think that's
12 his background, he would make a good detective.

13 Q. Okay. Let's go to January 2017. The
14 Kowalewski incident has already occurred between
15 Kowalewski and Stoud. McNamara I believe is already
16 over at the District Attorney's Office?

17 A. I believe you are right.

18 Q. Yeah. She's already over at the
19 District Attorney's Office. Did there come a point
20 in time where you requested e-mails between Stoud and
21 McNamara?

22 A. I did not request them. Commissioner
23 Warren wondered if we should look at e-mails and it
24 takes two commissioners to make decisions, so I said
25 well if we need to look at e-mails.

1 Q. Why would you need to look at e-mails?

2 A. As I recall there was a question as to
3 whether -- well, when a person leaves a department,
4 it was my understanding when they leave a department
5 like such as the commissioners because there's a lot
6 of confidential material that they should not have
7 access to that e-mail anymore or those files, that it
8 would be severed. And I think there was a question
9 as to whether or not Ms. McNamara may still have been
10 doing some things in the Commissioners' Office.

11 Q. And was that question ever asked of
12 Steve Stoud --

13 A. I don't know.

14 Q. -- whether McNamara was still doing
15 things?

16 A. I don't know if the question was asked
17 of him. I did not ask it.

18 Q. Did you ever ask?

19 A. No, I never did.

20 Q. And that was the only reason why you
21 were going to retrieve the e-mails between Stoud and
22 McNamara?

23 A. As I recall.

24 Q. Have you ever retrieved e-mails before
25 of people who have left county employees, employment?

1 A. I have not, no.

2 Q. Are you aware of them retrieving
3 e-mails of anybody who left the commissioners'
4 employment?

5 A. Not that I'm aware of.

6 Q. Yet all of sudden you're retrieving
7 e-mails between Steve Stoud and Maggie McNamara?
8 Yes?

9 A. Yes.

10 Q. And you voted to approve that?

11 A. Yes.

12 Q. Did you consult with your solicitor
13 about this?

14 A. I don't believe I did. I also did not
15 read them.

16 Q. Did you discuss with Alan Hall his
17 opinion on this?

18 A. I believe there was a discussion, yes.

19 Q. And what was Alan --

20 A. He was not in favor.

21 Q. Okay. And if I tell you that
22 Commissioner Warren and Commissioner Hall both said
23 that Solicitor Giangrieco wasn't in favor of it
24 either, would that refresh your recollection?

25 A. It doesn't refresh it, but I can see

1 him saying that.

2 Q. Okay. And this task to retrieve
3 e-mails was given to who?

4 A. I would believe that was Stephen
5 Janoski.

6 Q. Okay. Who was the IT director?

7 A. Yes.

8 Q. Okay. How did Lisa Kowalewski end up
9 seeing the e-mails?

10 A. She had been there, she had been the
11 director before Stephen.

12 MR. HAILSTONE: I'm going to
13 object. There's no evidence that she
14 ever saw them and you're putting
15 evidence in the record. If you have
16 proof that she saw them, I would like to
17 see it.

18 BY MR. KARAM:

19 Q. And did you become aware that Lisa
20 Kowalewski started a non-county authorized
21 investigation of Steve Stoud?

22 A. Yes.

23 Q. How did you become aware of that?

24 A. I believe from the other two
25 commissioners and that I know the District Attorney

1 Bob Klein was involved in the investigation.

2 Q. Okay. Did you ever talk to Lisa
3 Kowalewski about it?

4 A. I don't recall that. I know Lisa
5 Kowalewski came to me after the incident in the
6 hallway and she told me her side of that.

7 Q. Her side of the e-mail situation or her
8 side of --

9 A. Her side of what happened in the
10 hallway that day with Mr. Stoud. She was very
11 shaken, very shaken up.

12 Q. Okay. But we're beyond that.

13 A. Okay. Okay.

14 Q. What I'm asking you about is did you
15 ever talk to Lisa Kowalewski about her non-authorized
16 background investigation on Steve Stoud?

17 A. I may have. She may have told me that
18 she did it from her home.

19 Q. Okay. When did she tell you this?

20 A. I'm not sure.

21 Q. Okay. Did she tell you about the
22 content of the e-mails between Steve Stoud and Maggie
23 McNamara?

24 A. No.

25 Q. What did she tell you about her

1 investigation?

2 A. That she was concerned about Mr. Stoud
3 after the scene that they had had and his behavior.

4 Q. And did you validate that concern with
5 her?

6 A. I may have.

7 Q. How?

8 A. I may have said, you know, I don't
9 blame you or something like that. I don't recall
10 what I said.

11 Q. Did you say you have the same concerns?

12 A. I don't recall saying those words.

13 Q. Was that something that you thought
14 though? Did you have those same concerns?

15 A. Not that he would be doing anything
16 against the county directly.

17 Q. Did she indicate to you she believes
18 Steve Stoud was taking kickbacks from vendors?

19 A. I'm not sure if she said that to me,
20 but I heard that in that report when the DA and
21 Justin Sprout did an investigation, I believe that
22 came up in that meeting.

23 Q. And you know that Steve was suspended
24 from his position with the District Attorney's Office
25 as a result of these allegations? You do know that,

1 right?

2 A. Yes.

3 Q. Did you ever speak to Janoski about
4 this at all?

5 A. No.

6 Q. Why did Warren come to you and ask that
7 she wanted to see the e-mails between McNamara and
8 Stoud?

9 A. As I recall I thought it was just
10 simply because she wondered if Maggie was still doing
11 work in the Commissioners' Office that she shouldn't
12 be doing because she now was employed by the District
13 Attorney.

14 Q. After Steve Stoud went to the DA's
15 Office, do you recall talking to DA Klein that you
16 disagreed with the salary he was putting on for Steve
17 Stoud?

18 A. I do believe I had a conversation with
19 him about the salary because it seems to me as he
20 said -- because he ended up doing two jobs. He was
21 doing the detective job as well as the Public Safety
22 director job at one time.

23 And I remember Attorney Klein saying
24 well, we're getting -- you know, we're not paying
25 \$60,000 for a Public Safety director, you know. We

1 just gave him another \$10,000 or \$13,000, whichever
2 it was, one of those. So you know we're saving the
3 taxpayers' money by doing it this way. We had that
4 conversation.

5 Q. And do you recall talking to Robert
6 Thatcher, Jr.?

7 A. I talked to Robert Thatcher, Jr.
8 because he was put on my task force, the county's
9 task force, not my task force.

10 Q. Do you recall talking to him about the
11 need to have a Public Safety director?

12 A. I probably did because I was trying to
13 determine whether we really needed that position. It
14 had nothing to do with Mr. Stoud or anybody else. It
15 was do we need to be paying that money out.

16 Because before Mr. Stoud came from the
17 county, it was my understanding that they didn't have
18 a Public Safety director and you just had your heads
19 of departments 911 and EMA and they handled it
20 themselves. That's the only reason I was asking that
21 question. He came highly recommended Mr. Thatcher
22 for that position.

23 Q. Did you ever talk specifically with
24 Jean Conklin about who you would like to replace
25 Maggie McNamara with?

1 A. I don't recall having that
2 conversation. Did she say I did? Did she have a
3 name?

4 MR. HAILSTONE: Just answer his
5 questions, that's it.

6 THE WITNESS: I don't recall that.

7 MR. HAILSTONE: You answered it.

8 BY MR. KARAM:

9 Q. Okay. One second. Okay. There came a
10 point in time where you ended up hiring Lana --

11 A. Lana Adams.

12 Q. -- Adams as the chief clerk, correct?

13 A. Yes.

14 Q. So she -- there was a period of time
15 then where she was Steve Stoud's immediate
16 supervisor, correct?

17 A. When he was a Public Safety director?

18 Q. No. When he was deputy chief clerk.

19 A. Okay. Yes.

20 Q. Or deputy clerk?

21 A. Yes, yes.

22 Q. The supervisory role was assumed by
23 Lana over Steve?

24 A. Yes.

25 Q. Okay. I have nothing further.

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1 MR. HAILSTONE: No questions.
2

3 (Whereupon the deposition of
4 Elizabeth McCahill Arnold concluded at
5 1:15 p.m.)
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C E R T I F I C A T E

I, Christine Messner, a Notary Public in and for Wyoming County, Pennsylvania, do hereby certify that the deposition was reported in machine shorthand by me, that the said witness was duly sworn/affirmed by me, that the transcript was prepared by me or under my supervision and constitutes a complete and accurate record of same.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.


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